

**To:** Ward, W. Robert[Ward.Robert@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]  
**Cc:** Foster, Althea[foster.althea@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Mon 9/21/2015 2:56:56 PM  
**Subject:** RE: Commissioner Lachelt request

## Attorney Client/Ex. 5

**From:** Ward, W. Robert  
**Sent:** Monday, September 21, 2015 8:49 AM  
**To:** McGrath, Shaun  
**Cc:** Grantham, Nancy  
**Subject:** RE: Commissioner Lachelt request

## Attorney Client/Ex. 5

W. Robert Ward

U.S. Environmental Protection Agency

303-312-7100 (direct)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

**From:** McGrath, Shaun  
**Sent:** Sunday, September 20, 2015 1:55 PM  
**To:** Ward, W. Robert  
**Cc:** Grantham, Nancy  
**Subject:** Fwd: Commissioner Lachelt request

Bob,

## Attorney Client/Ex. 5

Sent from my iPhone

Begin forwarded message:

**From:** Sheryl Rogers <rogers@lpcattorney.org>  
**Date:** September 20, 2015 at 1:23:39 PM MDT  
**To:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>  
**Cc:** Joe Kerby <Joe.Kerby@co.laplata.co.us>, Joanne Spina

<Joanne.Spina@co.laplata.co.us>, Peter Foster <pfoster@wrightwater.com>, "McGrath, Shaun" <McGrath.Shaun@epa.gov>, "Foster, Althea" <Foster.Althea@epa.gov>

**Subject: Re: Commissioner Lachelt request**

Thanks Nancy. I spoke with Commissioner Lachelt who will be calling Shaun shortly. Here is the plan based on your comments below.

1. EPA will sample the additional constituents tomorrow before any further application to the mine opening
2. EPA will provide the samples to its lab and provide results directly to the County
3. This week the County will separately pursue consent for access from the mine owner, likely through Peter Foster. If we are granted access, we will pull our own samples. but EPA should not delay stabilization waiting for this to occur.

Please let me know if you have any questions. I would appreciate a confirmation either way.  
Sheryl

Sent from my iPad

On Sep 20, 2015, at 12:58 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Hi Sheryl,

What you propose below works for EPA so long as it works for the LaPlata County BOCC.

Please let me know when we are clear to proceed with this approach.

Thanks

Nancy Grantham

-----Original Message-----

From: Sheryl Rogers [mailto:rogers@lpcattorney.org]

Sent: Sunday, September 20, 2015 11:54 AM

To: Grantham, Nancy

Cc: Joe Kerby; Joanne Spina; Peter Foster

Subject: Re: Commissioner Lachelt request

Nancy: Commissioner Lachelt has sporadic cell coverage but she sent me a text stating

that she had a commitment from Shaun this morning that the EPA would do the additional sampling and that EPA would stop with the stabilization until it is done. Could the EPA not take the samples, process them with your lab and provide results to us? This would be consistent with all other forms of sampling taken at the mine.

Sheryl

Sent from my iPad

On Sep 20, 2015, at 11:42 AM, Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)> wrote:

All -- I just spoke with Sheryl.

A couple of things:

If the County wants to pursue doing sampling at the mine site -- even if EPA takes the samples and turns the over to the county, there would remain an access issue. The County would have to evaluate any associated risk if you were not able to ascertain access from Mr. Hennis. Also, while EPA has sufficient bottles, the County would need to have decided on a laboratory.

I am available to discuss these issues at any time -- as time is of the essence here.

Thanks ng

-----Original Message-----

From: Grantham, Nancy

Sent: Sunday, September 20, 2015 11:14 AM

To: Joe Kerby; Joanne Spina; 'Sheryl Rogers'

Cc: Grantham, Nancy

Subject: FW: Commissioner Lachelt request

Commissioner Lachelt made this request this morning and I made the commitment:

"Shaun - can I get a commitment from you that we can get a dry sample of the concrete mix and any other materials used to adhere the concrete to the face of the mine?"

Please work with county staff to make happen.

Sent from my iPhone